

GRETCHEN L. HULL
Name
1307 Declovina Street

Santa FE, N.M. 87505
Address
505/471-3416

FILED
U.S. DISTRICT COURT
NEW MEXICO

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

GRETCHEN LYNN HULL, Plaintiff
(Full Name)

CASE NO. CIV 03-680 WPJ ACT
(To be supplied by the Clerk)

v.
STATE FARM MUTUAL AUTOMOBILE
INSURANCE CO. and STATE
OF NEW MEXICO, Defendant(s),
TAXATION AND REVENUE DEPARTMENT'S
MOTOR VEHIVLE DIVISION

CIVIL RIGHTS COMPLAINT
PURSUANT TO 42 U.S.C. §1983

A. JURISDICTION

- 1) Gretchen Lynn Hull, is a citizen of New Mexico (State)
(Plaintiff)
who presently resides at 1307 Declovina Street, Santa Fe, N.M. 87505
(Mailing address or place of confinement)
- 2) Defendant State Farm Automobile Insurance Co. is a citizen of
(Name of first defendant)
(City, State), and is employed as
(Position and title, if any). At the time the claim(s)
alleged in this complaint arose, was this defendant acting under color of state law?
Yes No If your answer is "Yes", briefly explain:

- 3) Defendant STATE OF N.M. Taxation and Revenue Dept. is a citizen of
(Name of second defendant)
_____, and is employed as
(City, State)
_____. At the time the claim(s)
(Position and title, if any)
alleged in this complaint arose, was this defendant acting under color of state.
Yes No If your answer is "Yes", briefly explain:

Motor Vehicle Code

(Use the back of this page to furnish the above information for additional defendants.)

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1333(3), 42U.S.C. §1983. (If you wish to assert Jurisdiction under different or additional statutes, you may list them below.)

B. NATURE OF THE CASE

- 1) Briefly state the background of your case.

This is a case against both Defendants for suspension of Plaintiff's driver license. Hull's employer sent her, in the auto to do a 15-minute errand, accident happened, monetary judgment by default entered against Plaintiff. On receiving the Certificate of Facts from State Farm, MVD SUSPENDED Plaintiff's driver's license since 1997, until judgment is paid to State Farm.

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

Violations of:

- A)(1) Count I: Due Process of Law and Equal Protection under the Law:
State Constitution Bill of Rights, N.M. Const. Art.II Sec. 18;
U.S. Constitution Amendment XIV, Section 1.

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

- a. Plaintiff Hull sent by her employer on a 15-minute errand in the auto, on February 16, 1995.
- b. In turning left crossing lanes her auto was hit by the other auto.
- c. Hull received 4 traffic violations by police officer at the scene.
Later, the municipal ^{Court} ~~A~~ erased the four without fine.
- d. Police report showed Irma Vigil as the owner of Hull's auto without liability insurance coverage. February 16, 1995.
- e. Hull did not receive a complaint for damages, as service. Shortly after accident, she became homeless without fixed address.
- f. Hull did not receive Notice of Trial Hearing, and a default judgment was entered for not appearing.

(cont'd on p.A)

B)(1) Count II:

(2) Supporting Facts:

Page A

- g. In complaint State Farm stated Hull as the owner, contrary to the police report ascertained at the accident. State Farm's Attorney later said,in presence of Hull,that State Farm told the Attorney to make the false assertion.
- h. District Trial Court ruled the monetary judgment against Hull as failure to appear.July 10,1996.
- i. Much later,in trying to collect the Judgment from Hull,State Farm filed a Certificate of Facts with DMV. DMV responded by issuing Suspension for Non payment of Judgment April 25,1997;July 3,1997.
- j. In 1997, on trying to re-new her driver's license, Hull was informed by the MVD Field Office that her license could not be re-newed without paying the Judgment first.
- k. This was the first time she heard about the trial and judgment.
- l. Hull was indigent unable to make even small payments on the judgment for her driver's license.She had been homeless after the accident,having escaped from a physical,mental and oral abusive situation with a man she was living with.
- m. Hull filed to set aside the Default Judgment but to no avail. Filed 5/5/00;No.95-2865(C):ROBIN & BRUCE PURPURA and STATE FARM V.
- n. Hull did not prevail in a Taxation and Revenue Department Administrative Hearing. July 13,2001.
- o. Hull appealed to the District Court without success;and then to the Supreme Court ,again with no relief.8/17/01;12/13/01.
- p. Hull's critical meritorious defense,besides having good reason against default,was that the Certificate of Facts and the Suspension for nonpayment of Judgment should not have been issued.
- q. The Certificate of Facts instruction in it is:"Submit this certificate only if the judgment resulted from the ownership,maintenance or use..." of the auto.As ascertained in the Administrative Hearing Barbara Romero ,head of the licenseing Section, did not check this status. She was reprimanded forthwith by the Judge for not checking out the "Facts",before having the Suspension for Nonpayment of Judgment issued.
- r. "Ownership,maintenance or use" is an item of standard coverage by auto insurance.It appears designed essentially to cover liability for maintenance and use by other than the owner.
- s. It has now been 6 years-suspension.DMV states there is no getting the license without paying the judgment.
- t. Hull claims \$29,400. because she can't use an automobile to find and hold a job,Also, for emotional distress,for enjoyment, for necessary shopping,medical visits,etc.,now for six years. This constitutes a real hardship in present living.

(2) Supporting Facts:

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

- 1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes No If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

See additional lawsuits, same outline, Page B, attached.

- a) Parties to previous lawsuit.

Plaintiffs: Gretchen L. Hull

Defendants: The Taxation and Revenue Department of the State of New Mexico

- b) Name of court and docket number:

BERORE THE HEARING OFFICER OF THE TAXATION AND REVENUE DEPARTMENT OF THE STATE OF NEW MEXICO

NM Driver's License No. 039576473

- c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

Plaintiff protest about suspension of her driver's license was denied on August 13, 2001.

The denial was appealed to the First Judicial District Court.

- d) Issues raised: PROTEST AGAINST DENIAL OF PLAINTIFF'S DRIVER'S LICENSE

e) Approximate date of filing lawsuit: June 25 2001

f) Approximate date of disposition: JUNE 28, 2001

and then to the Court of Appeals to no avail on 12/13/02 from
District Court's adverse decision on 12/2/02.

2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes No If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.

See immediate details hereinabove.

E. REQUEST FOR RELIEF

1) I believe that I am entitled to the following relief:

See Subitem C.(2). t. hereinabove for \$29,400. damages.

Reinstatement of my driver's license No. 039576473.

Signature of Attorney (if any)



Signature of Petitioner
Gretchen L. Hull
1307 Declovina Street
Santa Fe, N.M. 87505
505/471-3416

Attorney's full address and telephone
number.

Page B

a) Parties to previous lawsuit:

Plaintiff: Gretchen L. Hull

Defendants:STATE Farm Mutual Automobile Insurance Co. and
State of New Mexico Taxation and Revenue Department
Motor Vehicle Division

CIVIL COMPLAINT -DAMAGES

b) Name of court and docket number:

First Judicial District Court;R-0101-CV-2001-01156

c) Disposition:Appealed 7/2/02 and 3/21/03,now pending in Ct.App.

d) Issues raised: Civil complaint for damages,Relief from Default
Judgment,Recovery of Plaintiff's driver's license

e) Approximate date of filing suit: May 9,2001.

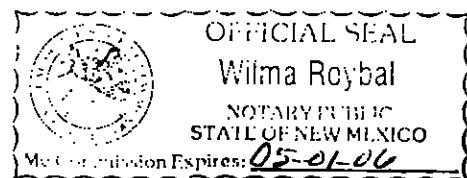
f) Approximate date of disposition:November 5 ,2001,

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at Santa Fe, New Mexico on June 9 2003.
(Location) (Date)

Wilma Roybal
(Signature)



Wilma Roybal